

## **REMARKS/ARGUMENTS**

### **Status of the Claims**

Claims 1-46 are currently pending in the application. Claim 1 has been amended. No new matter has been added by the amendments. No claims have been added. Claims 22-46 have been cancelled. Therefore, claims 1-21 are present for examination. Applicant respectfully requests reconsideration of this application as amended.

### **Claim Rejections Under 35 U.S.C. §102**

Claims 1-8, 12-13, 17-19, 21-25, 27-28, 32-33, 35-37, 39-40 and 44-45 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,264,590 issued to Casey et al. (“Casey”).

Applicants respectfully submit that Casey discloses “[s]ystems and methods...for medical monitoring of a patient at a patient premises. A medical-data collection device is adapted to collect medical data from the patient. The medical-data collection device is interfaced with a transport medium internal to the patient premises. A network interface device is also provided with multiple application devices interfaced with the transport medium internal to the patient premises. One of the application devices is a medical-monitoring application device adapted to process the collected medical data. Another of the application devices is adapted to exchange data with a transport medium external to the patient premises. A processor in communication with the application devices is adapted to coordinate transmission of the collected medical data over the transport medium external to the patient premises.”

In contrast, claim 1, as amended, recites “*a lid-portion coupled to the body-portion via the at least one hinge such that the body-portion and the lid-portion form a clam-shell design, wherein when closed, the claim-shell design is configured to restrict access to the body-portion and the lid-portion and when opened provide access to the body-portion and the lid-portion*” (emphasis provided). Where Casey discloses “[a] processor in communication with the application devices is adapted to coordinate transmission of the collected medical data over the

transport medium external to the patient premises”, nowhere does Casey teach or suggest ““*a lid-portion coupled to the body-portion* via the at least one hinge such that the body-portion and the lid-portion form a clam-shell design, wherein when closed, the *claim-shell design is configured to restrict access to the body-portion and the lid-portion* and when opened provide access to the body-portion and the lid-portion”, as recited by claims 1. (emphasis provided). Thus, for at least this reason, Applicants respectfully submit that Casey fails to teach or suggest each and every element of claim 1. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Furthermore, Claims 2-21 depend from independent claim 1. Thus, by virtue of their dependence on an allowable independent claim, Applicants submit that claims 2-21 are also allowable.

**Claim Rejections Under 35 U.S.C. §103**

Claims 9-11, 15-16, 20, 26, 30-31, 34, 38, 42-43 and 46 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Casey as applied to claim 1 above, in view of U.S. Patent No. 6,970,127 to Rakib (“**Rakib**”). Claims 14, 29 and 41 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Casey as applied to claim 1 above, in view of U.S. Patent No. 5,694,616 to Johnson et al. (“**Johnson**”).

Claims 9-11, 14-16, and 20 depend from independent claim 1. Thus, by virtue of their dependence on an allowable independent claim, Applicants submit that claims 9-11, 14-16, and 20 are also allowable. Accordingly, Applicants respectfully request that these rejections be withdrawn.

Appl. No. 10/624,454  
Amdt. dated December 21, 2009  
Amendment under 37 CFR 1.116 Expedited Procedure  
Examining Group 2456

PATENT

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

Further, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment in connection with this paper to Deposit Account No. 20-1430.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

/Charles W. Gray/

Charles W. Gray  
Reg. No. 61,345

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 303-571-4000  
Fax: 415-576-0300  
CWG:s5s  
62338746 v1